

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 291,
184 & 294**

96TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 31, 2011, with recommendation that the Senate Committee Substitute do pass.

1374S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 160.539, RSMo,
and to enact in lieu thereof six new sections relating to charter schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.400, 160.405, 160.410, 160.415, 160.420, and
2 160.539, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 160.400, 160.405, 160.410, 160.415, 160.420, and 160.539, to
4 read as follows:

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated [only in a metropolitan school district
3 or in an urban school district containing most or all of a city with a population
4 greater than three hundred fifty thousand inhabitants and] **in any school
5 district in Missouri. Charter schools operated in a metropolitan school
6 district or in an urban school district containing most or all of a city
7 with a population greater than three hundred fifty thousand
8 inhabitants** may be sponsored by any of the following:

9 (1) The school board of the district;

10 (2) A public four-year college or university with its primary campus in the
11 school district or in a county adjacent to the county in which the district is
12 located, with an approved teacher education program that meets regional or
13 national standards of accreditation;

14 (3) A community college located in the district; or

15 (4) Any private four-year college or university located in a city not within

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is
intended to be omitted in the law.**

16 a county with an enrollment of at least one thousand students, and with an
17 approved teacher preparation program.

18 **Charter schools not operated in a metropolitan school district or in an**
19 **urban school district containing most or all of a city with a population**
20 **greater than three hundred fifty thousand inhabitants may only be**
21 **sponsored by the school board of the school district in which they are**
22 **operated.**

23 3. The mayor of a city not within a county may request a sponsor under
24 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
25 "workplace charter school", which is defined for purposes of sections 160.400 to
26 160.420 as a charter school with the ability to target prospective students whose
27 parent or parents are employed in a business district, as defined in the charter,
28 which is located in the city.

29 4. No sponsor shall receive from an applicant for a charter school any fee
30 of any type for the consideration of a charter, nor may a sponsor condition its
31 consideration of a charter on the promise of future payment of any kind.

32 5. The charter school shall be a Missouri nonprofit corporation
33 incorporated pursuant to chapter 355. The charter provided for herein shall
34 constitute a contract between the sponsor and the charter school.

35 6. As a nonprofit corporation incorporated pursuant to chapter 355, the
36 charter school shall select the method for election of officers pursuant to section
37 355.326 based on the class of corporation selected. Meetings of the governing
38 board of the charter school shall be subject to the provisions of sections 610.010
39 to 610.030, the open meetings law.

40 7. A sponsor of a charter school, its agents and employees are not liable
41 for any acts or omissions of a charter school that it sponsors, including acts or
42 omissions relating to the charter submitted by the charter school, the operation
43 of the charter school and the performance of the charter school.

44 8. A charter school may affiliate with a four-year college or university,
45 including a private college or university, or a community college as otherwise
46 specified in subsection 2 of this section when its charter is granted by a sponsor
47 other than such college, university or community college. Affiliation status
48 recognizes a relationship between the charter school and the college or university
49 for purposes of teacher training and staff development, curriculum and
50 assessment development, use of physical facilities owned by or rented on behalf
51 of the college or university, and other similar purposes. The primary campus of

52 the college or university must be located within the county in which the school
53 district lies wherein the charter school is located or in a county adjacent to the
54 county in which the district is located. A university, college or community college
55 may not charge or accept a fee for affiliation status.

56 9. The expenses associated with sponsorship of charter schools shall be
57 defrayed by the department of elementary and secondary education retaining one
58 and five-tenths percent of the amount of state and local funding allocated to the
59 charter school under section 160.415, not to exceed one hundred twenty-five
60 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
61 the sponsor is a school district or the state board of education. The department
62 of elementary and secondary education shall remit the retained funds for each
63 charter school to the school's sponsor, provided the sponsor remains in good
64 standing by fulfilling its sponsorship obligations under sections 160.400 to
65 160.420 and 167.349 with regard to each charter school it sponsors, including
66 appropriate demonstration of the following:

67 (1) Expends no less than ninety percent of its charter school sponsorship
68 funds in support of its charter school sponsorship program, or as a direct
69 investment in the sponsored schools;

70 (2) Maintains a comprehensive application process that follows fair
71 procedures and rigorous criteria and grants charters only to those developers who
72 demonstrate strong capacity for establishing and operating a quality charter
73 school;

74 (3) Negotiates contracts with charter schools that clearly articulate the
75 rights and responsibilities of each party regarding school autonomy, expected
76 outcomes, measures for evaluating success or failure, performance consequences,
77 and other material terms;

78 (4) Conducts contract oversight that evaluates performance, monitors
79 compliance, informs intervention and renewal decisions, and ensures autonomy
80 provided under applicable law; and

81 (5) Designs and implements a transparent and rigorous process that uses
82 comprehensive data to make merit-based renewal decisions.

83 10. No university, college or community college shall grant a charter to
84 a nonprofit corporation if an employee of the university, college or community
85 college is a member of the corporation's board of directors.

86 11. No sponsor shall grant a charter under sections 160.400 to 160.420
87 and 167.349 without ensuring that a criminal background check and child abuse

88 registry check are conducted for all members of the governing board of the charter
89 schools or the incorporators of the charter school if initial directors are not named
90 in the articles of incorporation, nor shall a sponsor renew a charter without
91 ensuring a criminal background check and child abuse registry check are
92 conducted for each member of the governing board of the charter school.

93 12. No member of the governing board of a charter school shall hold any
94 office or employment from the board or the charter school while serving as a
95 member, nor shall the member have any substantial interest, as defined in
96 section 105.450, in any entity employed by or contracting with the board. No
97 board member shall **be selected by or** be an employee of a company that
98 provides substantial services to the charter school. All members of the governing
99 board of the charter school shall be considered decision-making public servants
100 as defined in section 105.450 for the purposes of the financial disclosure
101 requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

102 13. A sponsor shall provide timely submission to the state board of
103 education of all data necessary to demonstrate that the sponsor is in material
104 compliance with all requirements of sections 160.400 to 160.420 and 167.349.

105 14. **A sponsor shall develop policies and procedures for the**
106 **review of a charter school proposal and the awarding of a charter,**
107 **including procedures to be used when a charter school closes, for the**
108 **transfer or repository of student records, and for the disposition of the**
109 **charter school's assets.**

110 15. The state board of education shall ensure each sponsor is in
111 compliance with all requirements under sections 160.400 to 160.420 and 167.349
112 for each charter school sponsored by any sponsor. The state board shall notify
113 each sponsor of the standards for sponsorship of charter schools, delineating both
114 what is mandated by statute and what best practices dictate. The state board,
115 after a public hearing, may require remedial action for a sponsor that it finds has
116 not fulfilled its obligations of sponsorship, such remedial actions including
117 withholding the sponsor's funding and suspending for a period of up to one year
118 the sponsor's authority to sponsor a school that it currently sponsors or to sponsor
119 any additional school. If the state board removes the authority to sponsor a
120 currently operating charter school, the state board shall become the interim
121 sponsor of the school for a period of up to three years until the school finds a new
122 sponsor or until the charter contract period lapses. **During this period, if the**
123 **charter school fails to meet academic performance or other goals as**

124 **prescribed in the school's charter, the state board may revoke the**
125 **charter.**

126 **16. During any time in which powers granted to the board of**
127 **education of a metropolitan school district are vested in a special**
128 **administrative board, the special administrative board may sponsor a**
129 **charter school and declare itself as the local education agency of the**
130 **charter school for school funding purposes. If the special**
131 **administrative board is dissolved at any time, the charter school may**
132 **continue to operate provided it seeks and obtains a new sponsorship**
133 **under the new governing board of a metropolitan school district.**

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 include a mission statement for the charter school, a description of the charter
10 school's organizational structure and bylaws of the governing body, which will be
11 responsible for the policy and operational decisions of the charter school, a
12 financial plan for the first three years of operation of the charter school including
13 provisions for annual audits, a description of the charter school's policy for
14 securing personnel services, its personnel policies, personnel qualifications, and
15 professional development plan, a description of the grades or ages of students
16 being served, the school's calendar of operation, which shall include at least the
17 equivalent of a full school term as defined in section 160.011, and an outline of
18 criteria specified in this section designed to measure the effectiveness of the
19 school. The charter shall also [state] **include:**

20 (1) [The educational goals and objectives to be achieved by the charter
21 school] **An accountability plan, which shall contain a complete set of**
22 **indicators, measures, metrics, and targets in the following areas:**
23 **academic program performance, operational program performance,**
24 **including governance, and, if applicable, elements related specifically**
25 **to the charter's mission and vision;**

26 (2) A description of the charter school's educational program and

27 curriculum;

28 (3) The term of the charter, which shall be not less than five years, nor
29 greater than ten years and shall be renewable;

30 (4) A description of the charter school's pupil performance standards,
31 which must meet the requirements of subdivision (6) of subsection 5 of this
32 section. The charter school program must be designed to enable each pupil to
33 achieve such standards;

34 (5) A description of the governance and operation of the charter school,
35 including the nature and extent of parental, professional educator, and
36 community involvement in the governance and operation of the charter school;
37 [and]

38 (6) A description of the charter school's policies on student discipline and
39 student admission, which shall include a statement, where applicable, of the
40 validity of attendance of students who do not reside in the district but who may
41 be eligible to attend under the terms of judicial settlements; **and**

42 **(7) If the charter school is operated by a management company,**
43 **a copy of the written contract between the board of directors of the**
44 **charter school and the educational management organization or the**
45 **charter management organization for services.**

46 2. Proposed charters shall be subject to the following requirements:

47 (1) **A proposal shall be submitted to the sponsor by August**
48 **fifteenth of the year prior to the proposed opening date of the charter**
49 **school;**

50 (2) A charter may be approved when the sponsor determines that the
51 requirements of this section are met and determines that the applicant is
52 sufficiently qualified to operate a charter school. The sponsor's decision of
53 approval or denial shall be made within ninety days of the filing of the proposed
54 charter;

55 [(2)] (3) If the charter is denied, the proposed sponsor shall notify the
56 applicant in writing as to the reasons for its denial and forward a copy to the
57 state board of education within five business days following the denial;

58 [(3)] (4) If a proposed charter is denied by a sponsor, the proposed
59 charter may be submitted to the state board of education, along with the
60 sponsor's written reasons for its denial. If the state board determines that the
61 applicant meets the requirements of this section, that the applicant is sufficiently
62 qualified to operate the charter school, and that granting a charter to the

63 applicant would be likely to provide educational benefit to the children of the
64 district, the state board may grant a charter and act as sponsor of the charter
65 school. The state board shall review the proposed charter and make a
66 determination of whether to deny or grant the proposed charter within sixty days
67 of receipt of the proposed charter, provided that any charter to be considered by
68 the state board of education under this subdivision shall be submitted no later
69 than March first prior to the school year in which the charter school intends to
70 begin operations. The state board of education shall notify the applicant in
71 writing as the reasons for its denial, if applicable; and

72 ~~[(4)]~~ **(5)** The sponsor of a charter school shall give priority to charter
73 school applicants that propose a school oriented to high-risk students and to the
74 reentry of dropouts into the school system. If a sponsor grants three or more
75 charters, at least one-third of the charters granted by the sponsor shall be to
76 schools that actively recruit dropouts or high-risk students as their student body
77 and address the needs of dropouts or high-risk students through their proposed
78 mission, curriculum, teaching methods, and services. For purposes of this
79 subsection, a "high-risk" student is one who is at least one year behind in
80 satisfactory completion of course work or obtaining credits for graduation,
81 pregnant or a parent, homeless or has been homeless sometime within the
82 preceding six months, has limited English proficiency, has been suspended from
83 school three or more times, is eligible for free or reduced-price school lunch, or
84 has been referred by the school district for enrollment in an alternative
85 program. "Dropout" shall be defined through the guidelines of the school core
86 data report. The provisions of this subsection do not apply to charters sponsored
87 by the state board of education.

88 3. If a charter is approved by a sponsor, the charter application shall be
89 submitted to the state board of education, along with a statement of finding that
90 the application meets the requirements of sections 160.400 to 160.420 and section
91 167.439 and a monitoring plan under which the charter sponsor will evaluate the
92 academic performance of students enrolled in the charter school. The state board
93 of education may, within sixty days, disapprove the granting of the charter. The
94 state board of education may disapprove a charter on grounds that the
95 application fails to meet the requirements of sections 160.400 to 160.420 and
96 section 167.349 or that a charter sponsor previously failed to meet the statutory
97 responsibilities of a charter sponsor.

98 4. Any disapproval of a charter pursuant to subsection 3 of this section

99 shall be subject to judicial review pursuant to chapter 536.

100 5. A charter school shall, as provided in its charter:

101 (1) Be nonsectarian in its programs, admission policies, employment
102 practices, and all other operations;

103 (2) Comply with laws and regulations of the state, county, or city relating
104 to health, safety, and state minimum educational standards, as specified by the
105 state board of education, including the requirements relating to student discipline
106 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal
107 conduct to law enforcement authorities under sections 167.115 to 167.117,
108 academic assessment under section 160.518, transmittal of school records under
109 section 167.020, [and] the minimum number of school days and hours required
110 under section 160.041, **and the employee criminal history background**
111 **check and the family care safety registry check under section 168.133;**

112 (3) Except as provided in sections 160.400 to 160.420, be exempt from all
113 laws and rules relating to schools, governing boards and school districts;

114 (4) Be financially accountable, use practices consistent with the Missouri
115 financial accounting manual, **subject to sections 161.520, 161.525, and**
116 **161.529**, provide for an annual audit by a certified public accountant, publish
117 audit reports and annual financial reports as provided in chapter 165, provided
118 that the annual financial report may be published on the department of
119 elementary and secondary education's Internet website in addition to other
120 publishing requirements, **submit an annual financial report as required in**
121 **section 162.821**, and provide liability insurance to indemnify the school, its
122 board, staff and teachers against tort claims. A charter school that receives local
123 educational agency status under subsection 6 of this section shall meet the
124 requirements imposed by the Elementary and Secondary Education Act for audits
125 of such agencies. For purposes of an audit by petition under section 29.230, a
126 charter school shall be treated as a political subdivision on the same terms and
127 conditions as the school district in which it is located. For the purposes of
128 securing such insurance, a charter school shall be eligible for the Missouri public
129 entity risk management fund pursuant to section 537.700. A charter school that
130 incurs debt must include a repayment plan in its financial plan;

131 (5) Provide a comprehensive program of instruction for at least one grade
132 or age group from kindergarten through grade twelve, which may include early
133 childhood education if funding for such programs is established by statute, as
134 specified in its charter;

135 (6) (a) Design a method to measure pupil progress toward the pupil
136 academic standards adopted by the state board of education pursuant to section
137 160.514, **establish baseline student performance during the first year of**
138 **operation**, collect [baseline data during at least the first three years for
139 determining how the charter school is performing] **student performance data**
140 **as defined by the Annual Performance Report (APR) throughout the**
141 **duration of the charter to annually monitor student academic**
142 **performance**, and to the extent applicable, participate in the statewide system
143 of assessments, comprised of the essential skills tests and the nationally
144 standardized norm-referenced achievement tests, as designated by the state board
145 pursuant to section 160.518, complete and distribute an annual report card as
146 prescribed in section 160.522, which shall also include a statement that
147 background checks have been completed on the charter school's board members,
148 report to its sponsor, the local school district, and the state board of education as
149 to its teaching methods and any educational innovations and the results thereof,
150 and provide data required for the study of charter schools pursuant to subsection
151 4 of section 160.410. No charter school will be considered in the Missouri school
152 improvement program review of the district in which it is located for the resource
153 or process standards of the program.

154 (b) For proposed high risk or alternative charter schools, sponsors shall
155 approve performance measures based on mission, curriculum, teaching methods,
156 and services. Sponsors shall also approve comprehensive academic and
157 behavioral measures to determine whether students are meeting performance
158 standards on a different time frame as specified in that school's charter. Student
159 performance shall be assessed comprehensively to determine whether a high risk
160 or alternative charter school has documented adequate student progress. Student
161 performance shall be based on sponsor-approved comprehensive measures as well
162 as standardized public school measures. Annual presentation of charter school
163 report card data to the department of elementary and secondary education, the
164 state board, and the public shall include comprehensive measures of student
165 progress.

166 (c) Nothing in this [paragraph] **subdivision** shall be construed as
167 permitting a charter school to be held to lower performance standards than other
168 public schools within a district; however, the charter of a charter school may
169 permit students to meet performance standards on a different time frame as
170 specified in its charter;

171 (7) Assure that the needs of special education children are met in
172 compliance with all applicable federal and state laws and regulations;

173 (8) Provide along with any request for review by the state board of
174 education the following:

175 (a) Documentation that the applicant has provided a copy of the
176 application to the school board of the district in which the charter school is to be
177 located, except in those circumstances where the school district is the sponsor of
178 the charter school; and

179 (b) A statement outlining the reasons for approval or disapproval by the
180 sponsor, specifically addressing the requirements of sections 160.400 to 160.420
181 and 167.349.

182 **6. (1) Proposed or existing high risk or alternative charter**
183 **schools may include alternative arrangements for students to obtain**
184 **credit for satisfying graduation requirements in the school's charter**
185 **application and charter. Alternative arrangements may include, but**
186 **not be limited to, credit for off-campus instruction, embedded credit,**
187 **work experience through a paid or unpaid internship arranged through**
188 **the school, and independent studies. When the state board of education**
189 **approves the charter, any such alternative arrangements shall be**
190 **approved at such time.**

191 **(2) The department of elementary and secondary education shall**
192 **conduct a study of any charter school granted alternative arrangements**
193 **for students to obtain credit under this subsection after three years of**
194 **operation to assess student performance, graduation rates, educational**
195 **outcomes, and entry into the workforce or higher education.**

196 **7. The charter of a charter school may be amended at the request of the**
197 **governing body of the charter school and on the approval of the sponsor. The**
198 **sponsor and the governing board and staff of the charter school shall jointly**
199 **review the school's performance, management and operations [at least once every**
200 **two years] during the first and third years of operation and then every**
201 **other year** or at any point where the operation or management of the charter
202 school is changed or transferred to another entity, either public or private. The
203 governing board of a charter school may amend the charter, if the sponsor
204 approves such amendment, or the sponsor and the governing board may reach an
205 agreement in writing to reflect the charter school's decision to become a local
206 educational agency for the sole purpose of seeking direct access to federal grants.

207 In such case the sponsor shall give the department of elementary and secondary
208 education written notice no later than March first of any year, with the
209 agreement to become effective July first. The department may waive the March
210 first notice date in its discretion. The department shall identify and furnish a list
211 of its regulations that pertain to local educational agencies to such schools within
212 thirty days of receiving such notice.

213 [7.] 8. (1) A sponsor shall revoke a charter or take other appropriate
214 remedial action, which may include placing the charter school on probationary
215 status, at any time if the charter school commits a serious breach of one or more
216 provisions of its charter or on any of the following grounds: failure to meet
217 academic performance standards as set forth in its charter, failure to meet
218 generally accepted standards of fiscal management, failure to provide information
219 necessary to confirm compliance with all provisions of the charter and sections
220 160.400 to 160.420 and 167.349 within forty-five days following receipt of written
221 notice requesting such information, or violation of law.

222 (2) The sponsor may place the charter school on probationary status to
223 allow the implementation of a remedial plan, which may require a change of
224 methodology, a change in leadership, or both, after which, if such plan is
225 unsuccessful, the charter may be revoked.

226 (3) At least sixty days before acting to revoke a charter, the sponsor shall
227 notify the governing board of the charter school of the proposed action in
228 writing. The notice shall state the grounds for the proposed action. The school's
229 governing board may request in writing a hearing before the sponsor within two
230 weeks of receiving the notice.

231 (4) The sponsor of a charter school shall establish procedures to conduct
232 administrative hearings upon determination by the sponsor that grounds exist to
233 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
234 to this subsection are subject to judicial review pursuant to chapter 536.

235 (5) A termination shall be effective only at the conclusion of the school
236 year, unless the sponsor determines that continued operation of the school
237 presents a clear and immediate threat to the health and safety of the children.

238 (6) A charter sponsor shall make available the school accountability report
239 card information as provided under section 160.522 and the results of the
240 academic monitoring required under subsection 3 of this section.

241 [8.] 9. A sponsor shall take all reasonable steps necessary to confirm that
242 each charter school sponsored by such sponsor is in material compliance and

243 remains in material compliance with all material provisions of the charter and
244 sections 160.400 to 160.420 and 167.349. Every charter school shall provide all
245 information necessary to confirm ongoing compliance with all provisions of its
246 charter and sections 160.400 to 160.420 and 167.349 in a timely manner to its
247 sponsor.

248 [9.] 10. A school district may enter into a lease with a charter school for
249 physical facilities.

250 [10.] 11. A governing board or a school district employee who has control
251 over personnel actions shall not take unlawful reprisal against another employee
252 at the school district because the employee is directly or indirectly involved in an
253 application to establish a charter school. A governing board or a school district
254 employee shall not take unlawful reprisal against an educational program of the
255 school or the school district because an application to establish a charter school
256 proposes the conversion of all or a portion of the educational program to a charter
257 school. As used in this subsection, "unlawful reprisal" means an action that is
258 taken by a governing board or a school district employee as a direct result of a
259 lawful application to establish a charter school and that is adverse to another
260 employee or an educational program.

261 [11.] 12. Charter school board members shall be subject to the same
262 liability for acts while in office as if they were regularly and duly elected
263 members of school boards in any other public school district in this state. The
264 governing board of a charter school may participate, to the same extent as a
265 school board, in the Missouri public entity risk management fund in the manner
266 provided under sections 537.700 to 537.756.

267 [12.] 13. Any entity, either public or private, operating, administering,
268 or otherwise managing a charter school shall be considered a quasi-public
269 governmental body and subject to the provisions of sections 610.010 to 610.035.

270 [13.] 14. The chief financial officer of a charter school shall maintain:

271 (1) A surety bond in an amount determined by the sponsor to be adequate
272 based on the cash flow of the school; or

273 (2) An insurance policy issued by an insurance company licensed to do
274 business in Missouri on all employees in the amount of five hundred thousand
275 dollars or more that provides coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban

4 voluntary transfer program; [and]

5 **(3) In the case of a charter school whose mission includes student**
6 **drop-out prevention or recovery, any nonresident pupil who is**
7 **considered high risk or a dropout who resides in a residential care**
8 **facility, a transitional living group home, or an independent living**
9 **program and whose last school of enrollment is in the school district**
10 **where the charter school is established, who submits a timely**
11 **application; and**

12 **(4)** In the case of a workplace charter school, any student eligible to
13 attend under subdivision (1) or (2) of this subsection whose parent is employed
14 in the business district, who submits a timely application, unless the number of
15 applications exceeds the capacity of a program, class, grade level or building. The
16 configuration of a business district shall be set forth in the charter and shall not
17 be construed to create an undue advantage for a single employer or small number
18 of employers.

19 2. If capacity is insufficient to enroll all pupils who submit a timely
20 application, the charter school shall have an admissions process that assures all
21 applicants of an equal chance of gaining admission except that:

22 (1) A charter school may establish a geographical area around the school
23 whose residents will receive a preference for enrolling in the school, provided that
24 such preferences do not result in the establishment of racially or
25 socioeconomically isolated schools and provided such preferences conform to
26 policies and guidelines established by the state board of education; [and]

27 (2) A charter school may also give a preference for admission of children
28 whose siblings attend the school or whose parents are employed at the school or
29 in the case of a workplace charter school, a child whose parent is employed in the
30 business district or at the business site of such school; **and**

31 **(3) A charter school whose mission includes student dropout**
32 **prevention or recovery as described in subdivision (3) of subsection 1**
33 **of this section shall give preference for admission to resident pupils**
34 **over nonresident pupils.**

35 3. A charter school shall not limit admission based on race, ethnicity,
36 national origin, disability, gender, income level, proficiency in the English
37 language or athletic ability, but may limit admission to pupils within a given age
38 group or grade level. **A charter school may give a preference for**
39 **admission to high-risk students and dropouts, as defined in subdivision**

40 (5) of subsection 2 of section 160.405.

41 4. The department of elementary and secondary education shall
42 commission a study of the performance of students at each charter school in
43 comparison with an equivalent group of district students representing an
44 equivalent demographic and geographic population and a study of the impact of
45 charter schools upon the constituents they serve in the districts in which they are
46 located, to be conducted by the joint committee on education. The charter school
47 study shall include analysis of the administrative and instructional practices of
48 each charter school and shall include findings on innovative programs that
49 illustrate best practices and lend themselves to replication or incorporation in
50 other schools. The joint committee on education shall coordinate with individuals
51 representing charter [public] schools and the districts in which charter schools
52 are located in conducting the study. The study of a charter school's student
53 performance in relation to a comparable group shall be designed to provide
54 information that would allow parents and educators to make valid comparisons
55 of academic performance between the charter school's students and an equivalent
56 group of district students representing an equivalent demographic and geographic
57 population. The student performance assessment and comparison shall include,
58 but may not be limited to:

- 59 (1) Missouri assessment program test performance and aggregate growth
60 over several years;
- 61 (2) Student reenrollment rates;
- 62 (3) Educator, parent, and student satisfaction data;
- 63 (4) Graduation rates in secondary programs; and
- 64 (5) Performance of students enrolled in the same public school for three
65 or more consecutive years. The impact study shall be undertaken every two years
66 to determine the impact of charter schools on the constituents they serve in the
67 districts where charter schools are operated. The impact study shall include, but
68 is not limited to, determining if changes have been made in district policy or
69 procedures attributable to the charter school and to perceived changes in
70 attitudes and expectations on the part of district personnel, school board
71 members, parents, students, the business community and other education
72 stakeholders. The department of elementary and secondary education shall make
73 the results of the studies public and shall deliver copies to the governing boards
74 of the charter schools, the sponsors of the charter schools, the school board and
75 superintendent of the districts in which the charter schools are operated.

76 5. A charter school shall make available for public inspection, and provide
77 upon request, to the parent, guardian, or other custodian of any school-age pupil
78 resident in the district in which the school is located the following information:

79 (1) The school's charter;

80 (2) The school's most recent annual report card published according to
81 section 160.522; and

82 (3) The results of background checks on the charter school's board
83 members. The charter school may charge reasonable fees, not to exceed the rate
84 specified in section 610.026 for furnishing copies of documents under this
85 subsection.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced lunch, special education, or limited English proficiency status,
6 as well as eligibility for categorical aid, of pupils resident in a school district who
7 are enrolled in the charter school to the school district in which those pupils
8 reside. The charter school shall report the average daily attendance data, free
9 and reduced lunch count, special education pupil count, and limited English
10 proficiency pupil count to the state department of elementary and secondary
11 education. Each charter school shall promptly notify the state department of
12 elementary and secondary education and the pupil's school district when a
13 student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils, **including funds**
23 **distributed under section 163.087.**

24 (2) The district of residence of a pupil attending a charter school shall also
25 pay to the charter school any other federal or state aid that the district receives
26 on account of such child.

27 (3) If the department overpays or underpays the amount due to the
28 charter school, such overpayment or underpayment shall be repaid by the public
29 charter school or credited to the public charter school in twelve equal payments
30 in the next fiscal year.

31 (4) The amounts provided pursuant to this subsection shall be prorated
32 for partial year enrollment for a pupil.

33 (5) A school district shall pay the amounts due pursuant to this subsection
34 as the disbursal agent and no later than twenty days following the receipt of any
35 such funds. The department of elementary and secondary education shall pay the
36 amounts due when it acts as the disbursal agent within five days of the required
37 due date.

38 3. A workplace charter school shall receive payment for each eligible pupil
39 as provided under subsection 2 of this section, except that if the student is not a
40 resident of the district and is participating in a voluntary interdistrict transfer
41 program, the payment for such pupils shall be the same as provided under section
42 162.1060.

43 4. A charter school that has declared itself as a local educational agency
44 shall receive from the department of elementary and secondary education an
45 annual amount equal to the product of the charter school's weighted average daily
46 attendance and the state adequacy target, multiplied by the dollar value modifier
47 for the district, plus local tax revenues per weighted average daily attendance
48 from the incidental and teachers funds in excess of the performance levy as
49 defined in section 163.011 plus all other state aid attributable to such pupils,
50 **including funds distributed under section 163.087.** If a charter school
51 declares itself as a local education agency, the department of elementary and
52 secondary education shall, upon notice of the declaration, reduce the payment
53 made to the school district by the amount specified in this subsection and pay
54 directly to the charter school the annual amount reduced from the school district's
55 payment. **The department of elementary and secondary education shall**
56 **include charter school weighted average daily attendance in the**
57 **distribution of funds under section 163.087.**

58 5. If a school district fails to make timely payments of any amount for
59 which it is the disbursal agent, the state department of elementary and secondary
60 education shall authorize payment to the charter school of the amount due
61 pursuant to subsection 2 of this section and shall deduct the same amount from
62 the next state school aid apportionment to the owing school district. If a charter

63 school is paid more or less than the amounts due pursuant to this section, the
64 amount of overpayment or underpayment shall be adjusted equally in the next
65 twelve payments by the school district or the department of elementary and
66 secondary education, as appropriate. Any dispute between the school district and
67 a charter school as to the amount owing to the charter school shall be resolved by
68 the department of elementary and secondary education, and the department's
69 decision shall be the final administrative action for the purposes of review
70 pursuant to chapter 536. During the period of dispute, the department of
71 elementary and secondary education shall make every administrative and
72 statutory effort to allow the continued education of children in their current
73 public charter school setting.

74 6. The charter school and a local school board may agree by contract for
75 services to be provided by the school district to the charter school. The charter
76 school may contract with any other entity for services. Such services may include
77 but are not limited to food service, custodial service, maintenance, management
78 assistance, curriculum assistance, media services and libraries and shall be
79 subject to negotiation between the charter school and the local school board or
80 other entity. Documented actual costs of such services shall be paid for by the
81 charter school.

82 7. A charter school may enter into contracts with community partnerships
83 and state agencies acting in collaboration with such partnerships that provide
84 services to children and their families linked to the school.

85 8. A charter school shall be eligible for transportation state aid pursuant
86 to section 163.161 and shall be free to contract with the local district, or any
87 other entity, for the provision of transportation to the students of the charter
88 school.

89 9. (1) The proportionate share of state and federal resources generated
90 by students with disabilities or staff serving them shall be paid in full to charter
91 schools enrolling those students by their school district where such enrollment is
92 through a contract for services described in this section. The proportionate share
93 of money generated under other federal or state categorical aid programs shall
94 be directed to charter schools serving such students eligible for that aid.

95 (2) A charter school district shall provide the special services provided
96 pursuant to section 162.705 and may provide the special services pursuant to a
97 contract with a school district or any provider of such services.

98 10. A charter school may not charge tuition, nor may it impose fees that

99 a school district is prohibited from imposing.

100 11. A charter school is authorized to incur debt in anticipation of receipt
101 of funds. A charter school may also borrow to finance facilities and other capital
102 items. A school district may incur bonded indebtedness or take other measures
103 to provide for physical facilities and other capital items for charter schools that
104 it sponsors or contracts with. Upon the dissolution of a charter school, any
105 liabilities of the corporation will be satisfied through the procedures of chapter
106 355.

107 12. Charter schools shall not have the power to acquire property by
108 eminent domain.

109 13. The governing body of a charter school is authorized to accept grants,
110 gifts or donations of any kind and to expend or use such grants, gifts or
111 donations. A grant, gift or donation may not be accepted by the governing body
112 if it is subject to any condition contrary to law applicable to the charter school or
113 other public schools, or contrary to the terms of the charter.

 160.420. 1. Any school district in which charter schools may be
2 established under sections 160.400 to 160.420 shall establish a uniform policy
3 which provides that if a charter school offers to retain the services of an employee
4 of a school district, and the employee accepts a position at the charter school, an
5 employee at the employee's option may remain an employee of the district and the
6 charter school shall pay to the district the district's full costs of salary and
7 benefits provided to the employee. The district's policy shall provide that any
8 teacher who accepts a position at a charter school and opts to remain an employee
9 of the district retains such teacher's permanent teacher status and retains such
10 teacher's seniority rights in the district for three years. The school district shall
11 not be liable for any such employee's acts while an employee of the charter school.

12 2. A charter school may employ noncertificated instructional personnel;
13 provided that no more than twenty percent of the full-time equivalent
14 instructional staff positions at the school are filled by noncertificated personnel.
15 All noncertificated instructional personnel shall be supervised by certificated
16 instructional personnel. A charter school that has a foreign language immersion
17 experience as its chief educational mission, as stated in its charter, shall not be
18 subject to the twenty-percent requirement of this subsection but shall ensure that
19 any teachers whose duties include instruction given in a foreign language have
20 current valid credentials in the country in which such teacher received his or her
21 training and shall remain subject to the remaining requirements of this

22 subsection. The charter school shall ensure that all instructional employees of
23 the charter school have experience, training and skills appropriate to the
24 instructional duties of the employee, and the charter school shall ensure that a
25 criminal background check and [child abuse] **family care safety** registry check
26 are conducted for each employee of the charter school prior to the hiring of the
27 employee **under the requirements of section 168.133**. The charter school
28 may not employ instructional personnel whose certificate of license to teach has
29 been revoked or is currently suspended by the state board of
30 education. Appropriate experience, training and skills of noncertificated
31 instructional personnel shall be determined considering:

- 32 (1) Teaching certificates issued by another state or states;
- 33 (2) Certification by the National Standards Board;
- 34 (3) College degrees in the appropriate field;
- 35 (4) Evidence of technical training and competence when such is
36 appropriate; and
- 37 (5) The level of supervision and coordination with certificated
38 instructional staff.

39 3. Personnel employed by the charter school shall participate in the
40 retirement system of the school district in which the charter school is located,
41 subject to the same terms, conditions, requirements and other provisions
42 applicable to personnel employed by the school district. For purposes of
43 participating in the retirement system, the charter school shall be considered to
44 be a public school within the school district, and personnel employed by the
45 charter school shall be public school employees. In the event of a lapse of the
46 school district's corporate organization as described in subsections 1 and 4 of
47 section 162.081, personnel employed by the charter school shall continue to
48 participate in the retirement system and shall do so on the same terms,
49 conditions, requirements and other provisions as they participated prior to the
50 lapse.

51 4. The charter school and a local school board may agree by contract for
52 services to be provided by the school district to the charter school. The charter
53 school may contract with any other entity for services. Such services may include
54 but are not limited to food service, custodial service, maintenance, management
55 assistance, curriculum assistance, media services and libraries and shall be
56 subject to negotiation between the charter school and the local school board or
57 other entity. Documented actual costs of such services shall be paid for by the

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73 pursuant to section 162.705 and may provide the special services pursuant to a
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81 it sponsors or contracts with. Upon the dissolution of a charter school, any
82 liabilities of the corporation will be satisfied through the procedures of chapter
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85 eminent domain.

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87 gifts or donations of any kind and to expend or use such grants, gifts or
88 donations. A grant, gift or donation may not be accepted by the governing body
89 if it is subject to any condition contrary to law applicable to the charter school or
90 other public schools, or contrary to the terms of the charter.

160.539. 1. The "School Flex Program" is established to allow eligible
2 students to pursue a timely graduation from high school. The term "eligible
3 students" includes students in grades eleven or twelve, **or those ages**

4 **seventeen to twenty-one who have still not obtained a high school**
5 **degree**, who have been identified by the student's principal and the student's
6 parent or guardian to benefit by participating in the school flex program.

7 2. An eligible student who participates in a school flex program shall:

8 (1) Attend school a minimum of two instructional hours per school day
9 within the district of residence;

10 (2) Pursue a timely graduation;

11 (3) Provide evidence of college or technical career education enrollment
12 and attendance, or proof of employment and labor that is aligned with the
13 student's career academic plan which has been developed by the school district
14 **or charter school**;

15 (4) Refrain from being expelled or suspended while participating in a
16 school flex program;

17 (5) Pursue course and credit requirements for a diploma; and

18 (6) Maintain a ninety-five percent attendance rate.

19 3. Eligible students participating in the school flex program shall be
20 considered full-time students of the school district **or charter school** and shall
21 be counted in the school's average daily attendance for state basic aid purposes.

22 4. School districts **or charter schools** participating in the school flex
23 program shall submit, on forms provided by the department of elementary and
24 secondary education, an annual report to the department which shall include
25 information required by the department, including but not limited to student
26 participation, drop-out, and graduation rates for students participating in the
27 program. The department shall annually report to the joint committee on
28 education under section 160.254 on the effectiveness of the program.

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